

REMARKS

Initially, in the Office Action dated March 14, 2005, the Examiner rejects claims 1, 11 and 14 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,292,890 (Crisan) in view of U.S. Patent No. 6,266,809 (Craig et al.) and U.S. Patent No. 5,815,652 (Ote et al.). Claims 7 and 16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Crisan, Craig et al. and Ote et al. in view of U.S. Patent No. 6,088,738 (Okada). Claims 8 and 17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Crisan, Craig et al. and Ote et al. in view of U.S. Patent No. 5,724,511 (Moritomo).

By the present response, Applicants have amended claims 1, 7, 11, 14 and 16 to further clarify the invention. Claims 1, 7, 8, 11, 14, 16 and 17 remain pending in the present application.

Examiner's Response to Arguments

The Examiner states in the Response to Arguments heading of the Office Action, argument (C) that "Applicant contends that Craig fails to explicitly teach downloading the boot image which contains executable code and executing that code to update the firmware". However, the Examiner fails to address any of the many other arguments as detailed in Applicants' previously-filed response on page 11, lines 9-20, specifically, that Craig et al. does not disclose or suggest a first power supply which is separate from a second power supply of an information processing apparatus where a first request is received from a remote management server, controlling "off" the second power supply in the power controller in response to the

first request from the remote management server, receiving a second request from the remote management server after a predetermined period since receiving the first request, and controlling "on" the second power supply in the power controller in response to the second request from the remote management server. The Examiner has failed to address these limitations and arguments in the Examiner's Response to Applicants' arguments.

The Examiner asserts in his response to argument (D) that "[t]he claims, additionally, fail to recite the power on and power off are mutually exclusive and therefore this part of the argument is not being considered." However, Applicants have not asserted this but have stated on page 16, line 6 that in the reference Ote et al., the power on and power off and associated timers are mutually exclusive, and not related to each other based on a lapse of time between them, as recited in the claims of the present application. The Examiner has misunderstood this point.

The Examiner further states in section (D) that turning on a second power supply according to a second request from a server after a lapse of a predetermined time since the second power supply of the device has been turned off is broad enough to read on a timer based control of a second power supply unit of Ote et al. Applicants respectfully disagree with this assertion in that as Applicants have stated previously, Ote et al. merely discloses either turning on or turning off the power supply upon receipt of a request or based on expiration of a preset time power-on/off setting. This is not turning off a second power supply according to a request from a server and turning on the second power supply according to a second request from

the server after a lapse of a predetermined time since the power supply of the information processing apparatus has been turned off, as recited in the claims of the present invention. As is clearly shown in Figs. 15-17, and discussed in the portions of Ote et al. cited by the Examiner, the power-on/off setting can be for either a power on or a power off, based on a preset time, and have no relationship to each other. The preset time has no relation to a request that has previously turned the power supply off. Ote et al. discloses mutually exclusive operations of either: (1) shutting down based on a request (Fig. 14), (2) setting a power-on/off time (Fig. 15), (3) shutting down based on expiration of the preset time (Fig. 16), or powering on based on the preset time (Fig. 17). Ote et al. does not disclose or suggest that these operations or the preset time is based on any of the other operations. Thus, Ote does not disclose or suggest turning off a second power supply according to a request from a server and turning on the second power supply according to a second request from the server after a lapse of a predetermined time since the power supply of the information processing apparatus has been turned off, as recited in the claims of the present invention.

35 U.S.C. §103 Rejections

Claims 1, 11 and 14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Crisan in view of Craig et al. and Ote et al. Applicants have discussed the deficiencies of these references in Applicants' previously-filed responses and reassert all arguments submitted in those responses. Applicants respectfully traverse these rejections and provide the following additional remarks.

To help the Examiner understand the present invention, in contrast to the cited references, the present invention is directed to a method for performing maintenance by a switching program which is loaded upon start-up of an information processing apparatus to a maintenance program which is held in a server on a network as requested by an operator at a remote place. Therefore, it is possible to execute a maintenance program of the information processing apparatus by remotely controlling when it is necessary to execute the maintenance program (see, Applicants' specification, pgs. 1-3).

Regarding claims 1, 11 and 14, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of these claims of, inter alia, a firmware updating method that includes showing a list of a plurality of firmware versions mounted on an information processing apparatus on the console, receiving an operator selection of a firmware from among the list in the console, and sending a request for a pseudo firmware update program from the remote management server to machines connected to the network wherein the remote management server sends an error to the console when a reply to the request is received, otherwise the method executing: sending a notice of execution completion of updating firmware to a remote management server, receiving a first request from the remote management server, controlling "off" a second power supply in a power controller in response to a first request from the remote management server, receiving a second request from the remote management server after a predetermined period since receiving the first

request, or controlling "on" the second power supply in the power controller in response to the second request from the remote management server; or an information processing apparatus including a communication device wherein the communication device is set as a boot device according to an instruction from a server which sent a request for a pseudo firmware update program to machines connected to the network when said server has not received any reply to the request, otherwise the information processing apparatus further including entities: wherein the power controller controls "off" and "on" the information processing apparatus according to a request from the server, the communications device obtaining a program decided in accordance with an operator selection from the server after resetting the information processing apparatus, and wherein the power controller turns "off" the second power supply of the information processing apparatus according to a first request from the server, and turns "on" the second power supply of the information processing apparatus according to a second request from the server after a lapse of predetermined time since the second power supply of the information processing apparatus has been turned off.

As has been noted previously, Crisan merely discloses dynamically configurable booting where a computer system may be booted via a default boot order, or follow a boot-up sequence that is initiated by a network interface. The Examiner admits that Crisan does not disclose or suggest updating firmware, sending a notice of execution of completion of the updating, or controlling "off"/"on" a second power supply in response to a first request and a second request,

respectively, but asserts that Craig et al. discloses these limitations. However, Craig et al. does not disclose or suggest showing a list of a plurality of firmware versions mounted on the information processing apparatus on said console, receiving an operator's selection of a firmware from among said list in said console, or sending a request for a pseudo firmware update program from said remote management server to machines connected to said network, wherein said remote management server sends an error to said console when a reply to the request is received, otherwise said method further executing (the operations noted previously), as recited in the claims of the present application. None of the cited references disclose or suggest showing a list of a plurality of firmware versions mounted, or receiving an operator selection of a firmware from among the list, or a remote management server sending an error to a console when a reply to the request is received, otherwise the method executing other operations.

Further, the Examiner asserts that Ote et al. discloses receiving a first request from a remote server causing the power supply to be turned "off" and receiving a second request after a predetermined time since receiving the first request from the remote server causing the power supply to be turned "on" at col. 8, lines 5-48. However, these actions do not occur when a reply to the request from the remote management server is not received, as recited in the claims of the present application. According to the present invention, a request is sent for a pseudo firmware update program from the remote management server to machines connected to the network, wherein the remote management server sends an error to

the console when a reply to the request is received, otherwise, the second power supply is controlled "off"/"on" in response to receiving a first request and second request, respectively.

Moreover, none of the cited references disclose or suggest an information processing apparatus including a communication device wherein said communication device is set as a boot device according to an instruction from the server which sent a request for a pseudo firmware update program to machines connected to the network when the server has not received any reply to the request, otherwise the information processing apparatus further comprising entities wherein the power controller turns "off" the second power supply of the information processing apparatus according to a first request from the server, and turns "on" the second power supply of the information processing apparatus according to a second request from the server after a lapse of predetermined time since the second power supply of the information processing apparatus has been turned off. These limitations are neither disclosed nor suggested by Craig et al., Crisan or Ote et al.

Accordingly, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 1, 11 and 14 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

Claims 7 and 16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Crisan, Craig et al., Ote et al. in view of Okada. Applicants have

discussed the deficiencies of these references in Applicants' previously-filed responses and reassert all arguments submitted in those responses. Applicants respectfully traverse these rejections and submit that claims 7 and 16 are dependent on independent claims 1 and 14 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims. Applicants submit that Okada does not overcome the substantial defects noted previously regarding Crisan, Craig et al. and Ote et al. For example, Applicants submit that none of the cited references disclose or suggest acquiring identification information, which is used to obtain a maintenance program by the information processing apparatus, by the remote management subsystem to send the request to obtain the pseudo maintenance firmware update program by the identification information.

Accordingly, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 7 and 16 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

Claims 8 and 17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Crisan, Craig et al., Ote et al. in view of Moritomo. Applicants have discussed the deficiencies of these references in Applicants' previously-filed responses and reassert all arguments submitted in those responses. Applicants respectfully traverse these rejections and submit that claims 8 and 17 are dependent on one of independent claims 1 and 14 and, therefore, are patentable at least for the

same reasons noted previously regarding these independent claims. Applicants submit that Moritomo does not overcome the substantial defects noted previously regarding Crisan, Craig et al. and Ote et al. For example, Applicants submit that none of the cited references disclose or suggest a firmware updating method including: previously registering identification information of an information processing apparatus subjected to maintenance into the remote management subsystem, receiving input of identification information for specifying the information processing apparatus prior to the instruction to set the boot device, and judging whether the received identification information is included in the registered identification information.

Accordingly, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 8 and 17 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

In view of the foregoing amendments and remarks, Applicants submit that claims 1, 7, 8, 11, 14, 16 and 17 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

U.S. Application No. 09/656,140

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. 500.38991X00).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

A handwritten signature in black ink, appearing to read 'F. Bailey', is written over a horizontal line.

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